



OFFICE OF COUNSEL CODE OC4
NAVAL SURFACE WARFARE CENTER
INDIAN HEAD DIVISION
101 STRAUSS AVE., BLDG. D-326
INDIAN HEAD, MD 20640-5035

COPY MAILED

APR 27 2005

OFFICE OF PETITIONS

In re Application of	:	
William F. Krise et al	:	
Application No. 09/864,373	:	ON PETITION
Filed: May 25, 2001	:	
Attorney Docket No. 1KRISE 1A	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 8, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed August 6, 2004, which set a shortened statutory period for reply of three (3) months. A reply under 37 CFR 1.113 is limited to an amendment that *prima facie* places the application in condition for allowance or a Notice of Appeal (and appeal fee required by 37 CFR 1.17(b)). The amendment submitted on October 6, 2004, did not *prima facie* place the application in condition for allowance as noted in the Advisory Action mailed March 15, 2005. Therefore, as no Notice of Appeal (and appeal fee), Request for Continued Examination (RCE) or a continuing application was timely filed, and no extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on November 7, 2004.

The above-identified application is being revived solely for purposes of continuity with a submission under 37 CFR 1.114 (request for continued examination (RCE)).

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center 1641 for processing of the request for continued examination under 37 CFR 1.114 filed April 8, 2005 and for consideration of the concurrently filed Amendment.



Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: MARK HOMER
NAVAL UNDERSEA WARFARE CENTER
NEWPORT DIVISION
1176 HOWELL STREET, BLDG. 1127, CODE 00OC
NEWPORT, RI 02841-1708